

REMARKS

No Claims have been amended. Applicants respectfully request reconsideration of the present application in view of the following remarks.

Claim Rejection – 35 U.S.C. § 103

Claims 1 and 3 have been rejected under 35 U.S.C. § 103 as being unpatentable over Ota et al and in view of Kitamura et al. The Examiner reads all the elements of Claim 3, including HFC-365mfc and HFC-245fa, on Ota et al except use of a compatibilizer. Kitamura et al teach use of N,N-dimethylacetamide, which is listed as the compatibilizer in the present specification. Consequently, the Examiner combines Ota et al. and Kitamura et al. and equate the combination with Claim 1.

However Ota et al. teach a weight ratio range of HFC-245fa against HFC-365fc to be 1% to 75%, while Claim 1 recites the weight ratio range of HFC-245fa against HFC-365fc to be 60% or more. Although, there is an overlapped portion, the only specific example in Ota uses 20% HFC-245fa. Moreover, the evaluation results in Table 3 of the present application indicate that the portion of Ota's recited range, outside of the claimed range, is inoperative with the present claimed invention due to a poor dimensional stability. In addition, it is described in the present specification (paragraph 0052), that the dimensional stability is deteriorated when HFC-245fa/HFC-365mfc is less than 60/40. Consequently, no *prima facie* case of obviousness has been established with respect to Claim 1. Further, the cited reference teaches that the weight ratio is to be 1~75%, preferably 10~60%, more preferably 20~50%. (Paragraph 0008) Accordingly, it encourages the weight ratio to be below 60% and even more preferably below 50%, which is opposite from what Claim 1 recites. Thus, the cited reference teaches away in this aspect. Therefore, Claim 1, as well as Claim 3, which is dependent thereon, should not be rejected on this ground. Applicants respectfully request withdrawal of the rejection.

Claim Rejection – 35 U.S.C. § 103

Claims 4 and 5 have been rejected under 35 U.S.C. § 103 as being unpatentable over Ota et al and in view of Kitamura et al and further in view of Singh et al. Since Singh et al is silent about the use of the HFC-245fa against HFC-365mfc, and Claims 4 and 5 are dependent from

Claim 1, the above argument is applicable. Applicants respectfully request withdrawal of the rejection.

Claim Rejection – 35 U.S.C. § 103

Claim 6 has been rejected under 35 U.S.C. § 103 as being unpatentable over Ota et al., in view of Kitamura et al and further in view of Singh et al. and Sugiyama et al. Since Sugiyama et al is silent about the use of the HFC-245fa against HFC-365mfc, and Claim 6 is dependent from Claim 3, which is dependent from Claim 1, the above argument is applicable. Applicants respectfully request withdrawal of the rejection.

Claim Rejection – 35 U.S.C. § 103

Claim 2 has been rejected under 35 U.S.C. § 103 as being unpatentable over Ota et al and in view of Kitamura et al. Claim 2 has been rejected for the same rationales. Therefore with the same reason presented above, Claim 2 is patentable. Applicants respectfully request withdrawal of the rejection.

Claim Rejection – 35 U.S.C. § 103

Claims 7-9 and 13 have been rejected under 35 U.S.C. § 103 as being unpatentable over Ota et al and in view of Kitamura et al. Claims 7-9 and 13 have been rejected for the same rationales. Therefore with the same reason presented above, these are patentable. Applicants respectfully request withdrawal of the rejection.

Claim Rejection – 35 U.S.C. § 103

Claims 10-12 have been rejected under 35 U.S.C. § 103 as being unpatentable over Ota et al and in view of Kitamura et al and further in view of Singh et al. Since Singh et al is silent about the use of the HFC-245fa against HFC-365mfc, and Claims 10-12 are dependent from Claim 9, the above argument is applicable. Applicants respectfully request withdrawal of the rejection.

Claim Rejection – 35 U.S.C. § 103

Claim 14 has been rejected under 35 U.S.C. § 103 as being unpatentable over Ota et al and in view of Kitamura et al and further in view of Bartlett et al. Since Bartlett et al are silent about the use of the HFC-245fa against HFC-365mfc, and Claim 14 is dependent from Claim 13, which is dependent from Claim 7, the above argument is applicable. Applicants respectfully request withdrawal of the rejection.

Claim Rejection – 35 U.S.C. § 103

Claim 15 has been rejected under 35 U.S.C. § 103 as being unpatentable over Ota et al and in view of Kitamura et al and further in view of Brock et al. Since Brock et al are silent about the use of the HFC-245fa against HFC-365mfc, and Claim 15 is dependent from Claim 13, which is dependent from Claim 7, the above argument is applicable. Applicants respectfully request withdrawal of the rejection.

CONCLUSION

In the light of the applicant's amendments to the claims and the foregoing Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not

Application No.: 10/561,862
Filing Date: December 20, 2005

reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: February 24, 2009

By:



Daniel E. Altman
Registration No. 34,115
Attorney of Record
Customer No. 20995
(949) 760-0404

6677755_1
022309